

## ORDER OF AN EXECUTIVE OFFICER CLOSED FOR TENANT ACCOMMODATION PURPOSES ORDER TO VACATE

**To:** James T F Lee  
"the Owner"

**And To:** All Occupant(s) of the following Housing premises:

**RE:** Those housing premises located in Calgary, Alberta and municipally described as:  
707 69 Avenue SW – Unit B

**WHEREAS** I, an **Executive Officer** of **Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the **Public Health Act**, RSA 2000, c. P-37, as amended;

**AND WHEREAS** such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. The utility room was subdivided into two bedrooms. There were no openable windows in either bedroom, and floors, walls, and ceiling were unfinished.
- b. The openable area of the rear basement bedroom window measured approximately 16 inches by 23 inches, which does not meet egress requirements listed in the Minimum Housing and Health Standards.
- c. The lock on the kitchen window was non-functional, resulting in the window not being lockable.
- d. The handrail along the basement staircase was missing.
- e. An insect screen was missing from the basement bedroom window.
- f. There was a storm pane missing from the kitchen window.
- g. The utility room window pane was broken.
- h. The kickplate along the bottom of the kitchen cabinets was water damaged and peeling off.
- i. The kitchen window sill was cracked and water damaged.
- j. The vinyl flooring at the side entrance was lifting.
- k. The dining room ceiling was water damaged and paint was peeling off.
- l. A downspout extension at the back of the house was missing, resulting in water not being diverted away from the foundation.
- m. The parking next to the side entrance was cracked and exposing metal wire.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, and the Minimum Housing and Health Standards exist in and about the above noted premises, namely:

- a. The utility room was subdivided into two bedrooms. There were no openable windows in either bedroom, and floors, walls, and ceiling were unfinished. This is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For

buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge. This is also in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.

- b. The openable area of the rear basement bedroom window measured approximately 16 inches by 23 inches, which does not meet egress requirements listed in the Minimum Housing and Health Standards. This is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to section III(3)(b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
- c. The lock on the kitchen window was non-functional, resulting in the window not being lockable. This is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- d. The handrail along the basement staircase was missing. This is in contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- e. An insect screen was missing from the basement bedroom window. This is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.
- f. There was a storm pane missing from the kitchen window. This is in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- g. The utility room window pane was broken. This is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- h. The kickplate along the bottom of the kitchen cabinets was water damaged and peeling off. This is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- i. The kitchen window sill was cracked and water damaged. This is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- j. The vinyl flooring at the side entrance was lifting. This is in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows,

- ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- k. The dining room ceiling was water damaged and paint was peeling off. This is in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
  - l. A downspout extension at the back of the house was missing, resulting in water not being diverted away from the foundation. This is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
  - m. The parging next to the side entrance was cracked and exposing metal wire. This is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.

**AND WHEREAS**, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation Purposes**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before March 1, 2017.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. If the utility room will be used as a bedroom, install a window that meets egress requirements, and finish floors, walls and ceiling. Alternately, remove the beds from the utility room, sign a Room Restriction Agreement document, and return this signed document to an Executive Officer with Alberta Health Services.
  - a. Install a window in the basement bedroom that meets emergency egress requirements.
  - b. Repair or replace the lock on the kitchen window.
  - c. Install a handrail along the basement staircase.
  - d. Install basement bedroom window screen.
  - e. Install a storm pane over the kitchen window.
  - f. Replace the broken window pane in the utility room.
  - g. Repair or replace the kickplate in the kitchen.
  - h. Repair and resurface cracked and water damaged sections of the window sill.
  - i. Repair the flooring at the side entrance door.
  - j. Repair water damaged dining room ceiling.
  - k. Install downspout extension at the back of the house.
  - l. Repair parging next to side entrance.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed for tenant accommodation purposes.
4. All work listed in paragraph 2 above must be completed to the satisfaction of an Executive Officer of Alberta Health Services by **April 17, 2017**.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary, Alberta, February 1, 2017

George Johnson, CPHI(C)  
Executive Officer  
Environmental Health Officer

You have the right to appeal

A person who           a) is directly affected by a decision of a Regional Health Authority, and  
                                  b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board  
c/o Central Reception  
Main Floor, Telus Plaza North Tower  
10025 Jasper Avenue NW  
Edmonton, Alberta, T5J 1S6  
Phone: 780-222-5186  
Fax: 780-422-0914  
Email: [HealthAppealBoard@gov.ab.ca](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <http://www.health.alberta.ca/about/PHAB.html>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca).

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)